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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/578,268 | 05/04/2006 | Hatsuhiko Harashina | 2101-29 | 2091 |
| 23117 7590 11/10/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 | | | | |
| EXAMINER | | | | |
| SANDERS, KRIELLION ANTIONETTE | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1796 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 11/10/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,268

Applicant(s)

HARASHINA, HATSUHIKO

Examiner

Kriellion A. Sanders

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 5-06 10-08

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Applicants hereby elect the invention of Group I, including claims 1-16, and the species of Formula I wherein the substituent X is "a hetero atom-containing group corresponding to a cyclic urea., wherein the claims which appear to read on the elected species include claims 1,3 and 5-16, of which claims 1 and 5-16 appear to be generic to all disclosed species. in the reply filed on 7-17-08 is acknowledged.

1. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 2, 4 and 17-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/17/08.

2. Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0333660 in view of Haruna et al, US Patent No. 4,894,499.

1. This rejection is pertinent in determining the patentability of the genus of the elected claims under examination. In this instance examination has been extended to the generic structure of hydrazine presented in the claims.
2. EP 0333660 discloses that by including a special hydrazine or oxamido compound with a special hindered phenol in the proportions noted therein as a stabilizing system for acetal homo- and copolymers, total stabilizing activity is achieved. Thus, the blend provides excellent stabilization against both-oxidative and thermal degradation. Of primary importance, the combination provides significantly improved performance in the area where the individual hindered phenol is lacking, namely, in resistance to discoloration during storage and/or exposure to environmental conditions. See page 2, lines 25-32 and page 4, lines 17-42. Formula IX of the patent meets the description of the hydrazide compounds of applicant's claims.
3. In general, the blends of the present invention are employed in from about 0.01 to about 10 0/0 by weight of the stabilized composition, although this will vary with the particular application. An advantageous range is from about 0.05 to about 2 %, and especially 0.1 to about 1 e/0. The weight ratio of component (a) to component (b) or component (c) will generally range from 20:1 to 1;10, preferably 9:1 to 1:9, and most preferably 2-3:1.
4. The resulting stabilized polymer compositions of the invention may optionally also contain various conventional additives, included among these additives are basic co-stabilizers such as calcium citrate, melamine, cyanoguanidine, polyamides, alkali and alkaline earth metal salts of high fatty acids, and amines; phosphites and phosphonites; peroxide-destroying compounds such as esters of thiodipropionic acid; and the like. See page 7.

5. Haruna et al discloses synthetic polymer compositions such as polyacetal stabilized with 0.001 -5 parts by weight of a hydrazide stabilizer that is substituted with a heterocyclic ring. Various additional stabilizers such as antioxidants, light stabilizers, nucleating agents, metallic soaps, organic stannous compounds, plasticizers, epoxy compounds, pigments, fillers, blowing agents, antistatic agents, flame retardant agents and lubricants. See col. 6, line, line 33 through col. 8, line 61.
6. It would have been obvious to the ordinary practitioner of the art to employ any lubricant or component that improves sliding properties in view of Haruna et al. Likewise, it would have been obvious to the ordinary practitioner of this art to employ any conventional agent that improves gloss control if so desired.
7. Since the patentees above disclose the use of polyacetals in their generic sense, their physical state whether palletized, molten ground or any other is a design choice thought to be an obvious variation to the ordinary practitioner of this art.

Information Disclosure Statement

8. The World patent, WO 90/09408, cited by applicant, discloses compositions comprising a polymer and a stabilizing hydrazine component having a structure corresponding to that of applicant's formula (1). See claims 1, 22 and 23. The patent does not mention polyacetal in specific.
9. The Japanese patent, JP 2000-026705, cited by applicant, discloses polyacetal compositions comprising a hydrazine and a urea component to improve hinge property. The patent does not mention polyacetal in specific. See paragraphs 0047 – 0055.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kriellion A. Sanders/

Primary Examiner, Art Unit 1796

Kriellion A. Sanders
Primary Examiner
Art Unit 1796